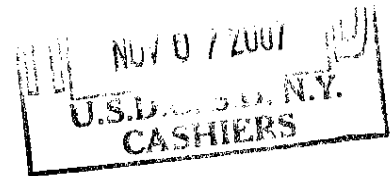


JUDGE SWEET



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
Zoran STJEPANOVIC (A047056226)

and

Vera STJEPANOVIC (A047056227)

Plaintiffs,

-against-

ANDREA J. QUARANTILLO, Director,  
New York City District, United States  
Citizenship and Immigration Services;  
EMILIO T. GONZALES, Director, United  
States Citizenship and Immigration Services;  
MICHAEL CHERTOFF, Secretary,  
Department of Homeland Security;  
PETER D. KEISLER, Acting Attorney  
General of the United States;  
ROBERT S. MUELLER, III, Director,  
Federal Bureau of Investigations,

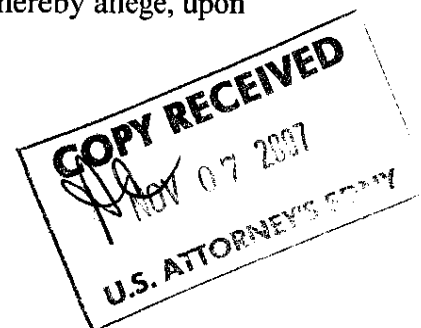
Defendants.  
-----X

07 CIV 9846

Civil Action No. \_\_\_\_\_

COMPLAINT FOR WRIT OF MANDAMUS  
AND, IN THE ALTERNATIVE, PETITION FOR HEARING  
ON NATURALIZATION APPLICATION

Plaintiffs, by their attorneys, WILDES & WEINBERG, P.C., hereby allege, upon  
information and belief, as follows:



### **INTRODUCTION**

1. This is a civil action brought by Plaintiffs, Zoran and Vera Stjepanovic, lawful permanent residents of the United States, to compel Defendants to take action on their Applications for Naturalization (Form N-400). The applications were filed with the U.S. Citizenship and Immigration Service (“USCIS”) on April 23, 2004, and Plaintiffs were interviewed on May 17, 2005, by Immigration Officer Manorath. They successfully passed the English language and U.S. history and government tests, but their applications have not yet been adjudicated. Defendants have improperly delayed processing the application to Plaintiffs’ detriment.
2. In the alternative, as USCIS has failed to make a determination on Plaintiffs’ applications before the end of the 120-day period after the date on which their examinations were conducted, Plaintiffs request that this Court conduct a hearing on their naturalization applications pursuant to 8 U.S.C. § 1447(b). Plaintiffs’ examinations were conducted on May 17, 2006, and more than 365 days have passed without a determination on their applications.

### **JURISDICTION**

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1361 (*mandamus*).
4. The action seeks to compel the Defendants and those acting under them, pursuant to 28 U.S.C. § 1361, to perform their statutory duty to Plaintiffs to adjudicate their applications for immigration benefits, which the Defendants have failed to adjudicate.
5. Under 28 U.S.C. § 1361, “(t)he district courts shall have original jurisdiction of any action in the nature of *mandamus* to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.”

6. In addition, this Court has federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331. Under 28 U.S.C. § 1331, “(t)he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”
7. This Court has jurisdiction over this action under 28 U.S.C. § 1331 because it arises under the Administrative Procedure Act (“APA”) (5 U.S.C. §§ 702 and 704), and under the Immigration and Nationality Act (“INA”) and regulations implementing it (title 8 of the C.F.R.).
8. Under 5 U.S.C. § 702, “[a] person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute is entitled to judicial review thereof.” Mr. and Mrs. Stjepanovic have been adversely affected by the Defendants’ failure to adjudicate their applications.
9. Under 5 U.S.C. § 704, “final agency action for which there is no other adequate remedy in a court [is] subject to judicial review.” There is no other adequate remedy for the defendants’ failure to adjudicate plaintiffs’ applications other than the instant action.
10. This action arises under the INA and the regulations implementing it because Mr. and Mrs. Stjepanovic are seeking immigration benefits that are governed by the INA and its regulations.
11. Jurisdiction is not precluded by INA § 242(a)(2)(B)(ii), 8 U.S.C. § 1252(a)(2)(B)(ii), because this matter does not involve judicial review of an action of Defendants relating to an act of discretion. Rather, this action seeks review of the Defendants’ failure to take action on applications that they are required to perform by law.
12. In the alternative, this Court has jurisdiction over this action pursuant to INA § 336(b), 8

U.S.C. § 1447(b). Under this provision, “[i]f there is a failure to make a determination under section 1446 of this title before the end of the 120-day period after the date on which the examination is conducted under such section, the applicant may apply to the United States district court for the district in which the applicant resides for a hearing on the matter. Such court has jurisdiction over the matter and may either determine the matter or remand the matter, with appropriate instructions, to the Service to determine the matter.”

### **VENUE**

13. Venue of this action is proper under 28 U.S.C. § 1391(e)(3) because Plaintiffs resides in this judicial district, and no real property is involved in this action.
14. Venue of this action is also proper under 8 U.S.C. § 1447(b), which provides that an applicant for naturalization may apply to the United States district court for the district in which he resides for a hearing on the matter. Plaintiffs reside in this judicial district.

### **PARTIES**

15. Plaintiffs, Zoran and Vera Stjepanovic, reside at 10 River Rd., Apt. 19J, New York, N.Y. 10044. They are applicants for naturalization having filed N-400, Applications for Naturalization on April 23, 2003, with the United States Citizenship and Immigration Service. (“USCIS”).
16. Defendant Andrea Quarantillo is sued in her official capacity only. She is the New York City District Director of the United States Citizenship and Immigration Services. As such, she is the Department of Homeland Security Secretary’s designate for the New York City District, charged with the duty of administration and enforcement of all the functions, powers, and duties of the USCIS. Plaintiffs were interviewed at the USCIS

New York District office on May 17, 2005.

17. Defendant Emilio T. Gonzales is the Director of USCIS and is sued in his official capacity only. Defendant Gonzales is charged with the administration of USCIS, a bureau within the Department of Homeland Security, and implementation of the Immigration and Nationality Act, 8 U.S.C. §§ 1101, et seq. 8 C.F.R. § 100.2(a).
18. Defendant Michael Chertoff is the Secretary of the Department of Homeland Security and is sued in his official capacity only. All authorities and functions of the Department of Homeland Security to administer and enforce the immigration laws are vested in the Secretary of Homeland Security. Defendant Chertoff is further authorized to delegate such powers and authority to subordinate employees of the DHS. 8 U.S.C. §1103(a); 8 C.F.R. § 2.1.
19. Defendant Peter D. Keisler is the Attorney General of the United States and is sued in his official capacity only. Defendant Keisler is charged with the administration of the Department of Justice, including the Federal Bureau of Investigation.
20. Defendant Robert S. Mueller, III, is the Director of the Federal Bureau of Investigations (FBI) and is sued in his official capacity only. Defendant Mueller is charged with the administration of the FBI, the law enforcement agency that conducts security clearances for other U.S. government agencies, such as the Department of State and USCIS. As will be shown, Defendant has failed to complete the security clearances on Plaintiff's case.

### **FACTS**

21. Plaintiffs, Zoran and Vera Stjepanovic are natives and citizens of Yugoslavia. On July 3, 1999, Mr. and Mrs. Stjepanovic became lawful permanent residents of the United States. See **Exhibit 1**.

22. Plaintiffs reside at 10 River Rd., Apt. 19J, New York, N.Y. 10044. Plaintiffs got married on August 8, 1992. Mr. and Mrs. Stjepanovic have four children, Ana, Sacha, Tea, and Nina Stjepanovic, all of whom are natural-born United States Citizens. The two younger children, Tea Stjepanovic, born January 19, 2002, and Nina Stjepanovic, born July 14, 2003, reside with Plaintiffs.
23. Plaintiffs, Mr. and Mrs. Stjepanovic filed applications for naturalization (Form N-400) with the United States Citizenship and Immigration Service(USCIS) on April 23, 2004.
24. On May 25, 2004, USCIS issued receipt notices for Zoran and Vera Stjepanovic. See **Exhibit 2.**
25. On August 14, 2004, USCIS issued Fingerprint Notifications in the names of Zoran and Vera Stjepanovic. These notices directed Mr. and Mrs. Stjepanovic to have their fingerprints taken on September 17, 2004, at 201 Varick St., NY, NY 10014. See **Exhibit 3.**
26. Mr. and Mrs. Stjepanovic appeared for their fingerprint appointments with USCIS on September 17, 2004. See **Exhibit 4.**
27. On May 17, 2005, Plaintiffs appeared for a Naturalization interviews before District Adjudications Officer (“DAO”) Manorath, at the USCIS New York District Office, 26 Federal Plaza, New York, New York 10278. All requested documentation was presented at the interview. Plaintiffs took the Naturalization Examinations of English and U.S. history and government.
28. DAO Manorath gave Mr. and Mrs. Stjepanovic forms N-652, indicating that they had passed the tests of English and U.S. history and government, and that USCIS will send them a written decision on their application for naturalization. See **Exhibit 5.**

29. On April 13, 2006, Plaintiffs submitted inquiries to Status Inquiry Unit, U.S. Department of Homeland Security, located 26, Federal Plaza, New York, N.Y. 10278. Plaintiffs indicated that they have inquired about the status of their cases three times by phone: on February 2, 2006, March 6, 2006, and April 6, 2006. They have not received any information to date.
30. On April 19, 2006, Mr. and Mrs. Stjepanovic received a response from U.S Department of Homeland Security, which informed them that their applications were currently pending fingerprint/security check results, and they will be notified upon the completion of the process. See **Exhibit 6**.
31. On April 6, 2006, Plaintiffs again requested information about the status of their cases.
32. On May 5, 2006, only Plaintiff Zoran Stjepanovic received a notice from U.S. Department of Homeland security, which stated that the processing of his case has been delayed due to an ongoing background investigation. Vera Zoran did not receive a response to her inquiry. See **Exhibit 7**.
33. On September 27, 2006, Zoran Stjepanovic received another identical response to his inquiry on April 6, 2006. Vera Stjepanovic still did not receive an answer. See **Exhibit 8**.
34. On May 9, 2006, Plaintiffs sent an e-mail to Senator Clinton, indicating that 358 days have passed since Mr. and Mrs. Stjepanovic took their naturalization tests, but they have not received Oath Ceremony Notices. Plaintiffs did not receive a response. See **Exhibit 9**.
35. On May 25, 2006, Plaintiffs sent a request to Senator Schumer, asking him to investigate the status of their cases. They received a response on August 28, 2006, indicating that

their cases were pending security agency checks, and will be adjudicated as soon as a response is received. See **Exhibit 10**.

36. By November 2, 2007, it has been over two years since Plaintiffs were interviewed by DAO Manorath. Despite Mr. and Mrs. Stjepanovic's numerous requests to determine the status of their applications and the delays associated with approval, Plaintiffs are still waiting for approval of their naturalization applications and final swearing in at an oath ceremony

### **CLAIMS FOR RELIEF**

37. The allegations contained in paragraphs 1 through 36 above are repeated and re-alleged as though fully set forth herein.
38. As Lawful Permanent Residents of the United States, Plaintiffs are entitled by law to receive final decisions on their properly filed naturalization applications.
39. Defendants and those acting under them are under a nondiscretionary duty to adjudicate Plaintiffs' applications, and Defendants have unreasonably failed to perform that duty.
40. Plaintiffs have complied with all of the requirements for obtaining naturalization, and they are fully eligible to be granted United States Citizenship.
41. When the Agency fails to make a decision on the Naturalization application within 120 days after examination, a naturalization applicant may ask the United States District Court to intervene and adjudicate that application. 8 U.S.C. § 1447(b). The majority of courts consider the examination referred to as the initial interview scheduled under 8 U.S.C. § 1447(b). *See, e.g., Alhamedi v. Gonzales*, Slip Copy, 2007 WL 1573935 (S.D.N.Y. 2007); *Al-Farisi v. Mueller*, 492 F. Supp. 2d 335 (S.D.N.Y. 2007); *Mostovoi v. Secretary of the Department of Homeland Security*, Slip Copy, 2007 Lexis 40646

(S.D.N.Y. 2007).

42. Defendants and those acting under them are charged by law with the statutory obligation to adjudicate naturalization applications. Defendants owe Plaintiffs a non-discretionary duty to adjudicate their application for naturalization, and have unreasonably failed to perform that duty. *See generally Al-Farisi v. Mueller*, 492 F. Supp. 2d 335 (S.D.N.Y. 2007) (citing, with approval, cases holding that USCIS has a duty to adjudicate applications for naturalization within a reasonable period of time). Under the circumstances presented in this case, a period of over two years to conduct a routine background checks constitutes an unreasonable amount of time.

43. Defendants have deprived Plaintiffs of all of the benefits of becoming Citizens of the United States, and have deprived Plaintiffs of the peace of mind that they are entitled to.

44. The delay in processing the applications is not in any way attributable to Plaintiffs

45. By making numerous inquiries on their naturalization applications to no avail, Plaintiffs have exhausted any administrative remedies that may exist. No other remedy exists to resolve Defendants' delay and refusal to act on Plaintiffs' naturalization applications.

### **PRAYER FOR RELIEF**

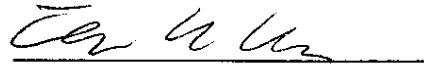
**WHEREFORE**, Plaintiffs pray this Honorable Court to grant the following relief:

1. Assume jurisdiction over the case and naturalize the Plaintiffs under the terms of 8 USC 1447(b); or
2. Compel Defendants and those acting under them to perform their duty to adjudicate the Petitions; and
3. Compel Defendant, Federal Bureau of Investigation, to complete background investigations on Plaintiffs by February 3, 2008, 90 days from the filing of this mandamus action; and

4. Grant such other and further relief as this Court deems proper under the circumstances.

Dated: November 5, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tom Vanasse', is written over a horizontal line.

Thomas Vanasse (TV 1213)  
Attorney for the Plaintiffs  
Wildes & Weinberg P.C.  
515 Madison Avenue  
New York, NY 10022  
(212) 753-3468

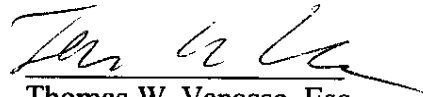
**VERIFICATION**

Thomas W. Vanasse, under penalty of perjury, states that the following:

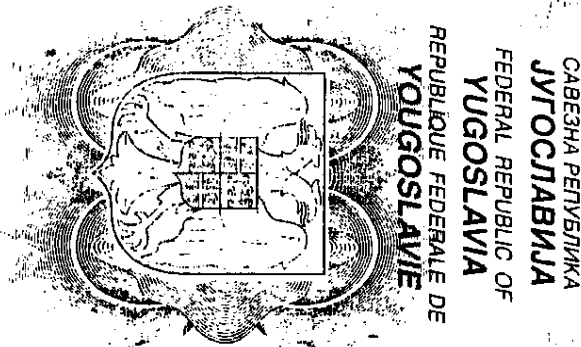
1. That I am an attorney admitted to practice before this Court. I am an associate attorney in the firm Wildes & Weinberg, P.C., the attorneys for the Plaintiffs of the foregoing Complaint.

2. I affirm the truth of the contents of the foregoing Complaint upon information and belief. The sources of my information and belief are documents provided to me by, and conversations with, the Plaintiff.

Dated: New York, New York  
November 5, 2007

  
Thomas W. Vanasse, Esq.

Своєруччи потпис : Signature of bearer ; Signature du titulaire



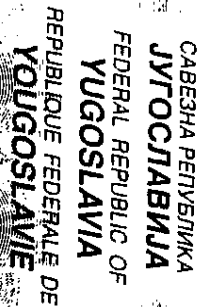
A black and white portrait photograph of a man with glasses and a mustache, wearing a suit and tie. The photo is mounted on a document with a grid pattern and a circular stamp.

C1USA0470562269SRC9924950804<<  
4307121MD0909181YUG<<<<<<<<<<3  
STJEPANOVIC<<ZORAN<<<<<<<<<<<

**EXHIBIT**

1

Stepalich



# WATERGATE

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6906104F0909022HRV<<<<<<<<<<<<7  
STJEPANOVIC<<VERA<<<<<<<<<<<<<<



<b>Receipt</b>			<b>NOTICE DATE</b> May 25, 2004
<b>CASE TYPE</b> N400 Application For Naturalization			<b>INS AW</b> A 047 056 226
<b>APPLICATION NUMBER</b> ESC*001225559	<b>RECEIVED DATE</b> April 23, 2004	<b>PRIORITY DATE</b> April 23, 2004	<b>PAGE</b> 1 of 1

**APPLICANT NAME AND MAILING ADDRESS**

ZORAN STJEPANOVIC  
10 RIVER RD APT 19J  
NEW YORK NY 10044

**PAYMENT INFORMATION:**

Single Application Fee: \$310.00  
Total Amount Received: \$310.00  
Total Balance Due: \$0.00

|||||

The above application has been received by our office and is in process. Our records indicate your personal information is as follows:

Date of Birth: July 12, 1943  
Address Where You Live: 10 RIVER RD APT 19J  
NEW YORK NY 10044

Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.

You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 540 days of this notice.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.

If you have access to the Internet, you can also visit INS at [www.ins.usdoj.gov](http://www.ins.usdoj.gov). Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

**INS Office Address:**  
US IMMIGRATION AND NATURALIZATION SERVICE  
75 LOWER WELDEN STREET  
ST ALBANS VT 05479

**INS Customer Service Number:**  
(800) 375-5283

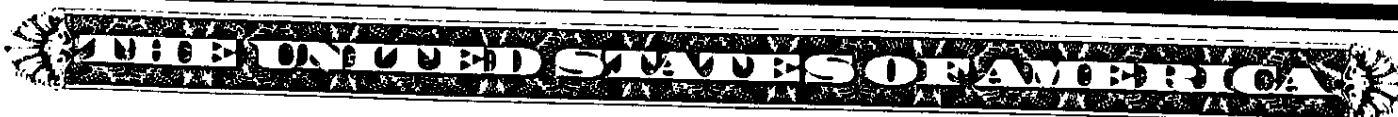
ESC\$001197319

**EXHIBIT**

**2**

**APPLICANT COPY**





## Receipt

CASE TYPE

N400 Application For Naturalization

NOTICE DATE

May 25, 2004

APPLICATION NUMBER

ESC\*001225557

RECEIVED DATE

April 23, 2004

PRIORITY DATE

April 23, 2004

INS A

A 047 056 227

PAGE

1 of 1

APPLICANT NAME AND MAILING ADDRESS

VERA STJEPANOVIC  
10 RIVER ROAD APT 19J  
NEW YORK NY 10044

## PAYMENT INFORMATION:

Single Application Fee: \$310.00  
Total Amount Received: \$310.00  
Total Balance Due: \$0.00

|||||

The above application has been received by our office and is in process. Our records indicate your personal information is as follows:

Date of Birth: June 10, 1969  
Address Where You Live: 10 RIVER ROAD APT 19J  
NEW YORK NY 10044

Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.

You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 540 days of this notice.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

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If you have access to the Internet, you can also visit INS at [www.ins.usdoj.gov](http://www.ins.usdoj.gov). Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

## INS Office Address:

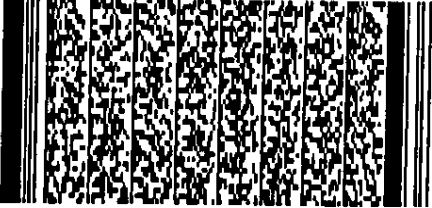

US IMMIGRATION AND NATURALIZATION SERVICE  
75 LOWER WELDEN STREET  
ST ALBANS VT 05479-INS Customer Service Number:  
(800) 375-5283

APPLICANT COPY

ESC\$001197317





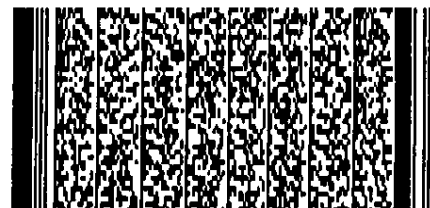
<b>Fingerprint Notification</b>			NOTICE DATE <b>August 14, 2004</b>
CASE TYPE <b>N400 Application For Naturalization</b>			INS # <b>A 047 056 226</b>
APPLICATION NUMBER <b>ESC*001225559</b>	RECEIVED DATE <b>April 23, 2004</b>	PRIORITY DATE <b>April 23, 2004</b>	PAGE <b>1 of 1</b>
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p><b>APPLICANT NAME AND MAILING ADDRESS</b></p> <p><b>ZORAN STJEPANOVIC</b>  <b>10 RIVER RD APT 19J</b>  <b>NEW YORK NY 10044</b></p> </div> <div style="width: 35%; text-align: center;">  </div> </div> <p>.....</p>			
<p>To process your application, INS must take your fingerprints and have them cleared by the FBI. <b>PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE APPOINTED DATE AND TIME TO HAVE YOUR FINGERPRINTS TAKEN.</b> If you are unable to appear at this time, you may go on any following Wednesday at the same time noted below, as long as you appear before 12/10/2004. If you do not have your fingerprints taken by that date, your application will be considered abandoned.</p>			
<p><b>APPLICATION SUPPORT CENTER</b>                  INS NEW YORK VARICK ST.                  201 VARICK STREET                  1023                  NEW YORK NY 10014</p>		<p><b>DATE AND TIME OF APPOINTMENT</b>                  09/17/2004                  03:00 PM</p>	
<p><b>WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:</b></p> <ol style="list-style-type: none"> <li>1. <b>THIS APPOINTMENT NOTICE</b> and</li> <li>2. <b>PHOTO IDENTIFICATION.</b> Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you will not be fingerprinted.</li> </ol>			
<p><b>PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.</b></p>			
<p><b>WARNING!</b></p> <p><i>Due to limited seating availability in our lobby areas, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.</i></p>			
<p>If you have any questions regarding this notice, please feel free to call 1-800-375-5283.</p>			
<div style="border: 2px solid black; padding: 10px; display: inline-block;"> <p><b>EXHIBIT</b></p> <p style="font-size: 2em;"><b>3</b></p> </div>		<p><b>APPLICANT COPY</b></p> 	



<b>Fingerprint Notification</b>			<b>NOTICE DATE</b> August 14, 2004
<b>CASE TYPE</b> N400 Application For Naturalization			<b>INS AP</b> A 047 056 227
<b>APPLICATION NUMBER</b> ESC*001225557	<b>RECEIVED DATE</b> April 23, 2004	<b>PRIORITY DATE</b> April 23, 2004	<b>PAGE</b> 1 of 1

**APPLICANT NAME AND MAILING ADDRESS**

VERA STJEPANOVIC  
10 RIVER ROAD APT 19J  
NEW YORK NY 10044



|||||

To process your application, INS must take your fingerprints and have them cleared by the FBI. **PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE APPOINTED DATE AND TIME TO HAVE YOUR FINGERPRINTS TAKEN.** If you are unable to appear at this time, you may go on any following Wednesday at the same time noted below, as long as you appear before 12/10/2004. If you do not have your fingerprints taken by that date, your application will be considered abandoned.

**APPLICATION SUPPORT CENTER**

INS NEW YORK VARICK ST.  
201 VARICK STREET  
1023  
NEW YORK NY 10014

**DATE AND TIME OF APPOINTMENT**

09/17/2004  
~03:00 PM

**WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:**

- 1. THIS APPOINTMENT NOTICE** and
- 2. PHOTO IDENTIFICATION.** Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you will not be fingerprinted.

**PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.**

**WARNING!**

*Due to limited seating availability in our lobby areas, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.*

If you have any questions regarding this notice, please feel free to call 1-800-375-5283.

APPLICANT COPY



## ASC/COLO Standard Operating Procedures

**DBITENPRINTER Applicant Information Worksheet (AIW)**

When you have completed this worksheet, turn it into the receptionist. Have this worksheet, your appointment notification letter and picture identification available.

NAME: STĀEPANOVIC ZORAN

Last

First

Middle

Suffix

DATE OF BIRTH: 1943 07 12 PHONE #: 1-917-4001260

Year

Month

Day

PLACE OF BIRTH: BELGRADE (Y6) SEX: (Male or Female) MALE

RACE: Check the most appropriate code below:

☐ American Indian or Alaskan Native ☐ Black ☒ White (Hispanic also check)

☐ Asian or Pacific Island ☐ Unknown

HEIGHT: 5 Feet 7 Inches

WEIGHT: 150 Pounds

EYE COLOR: Check the most appropriate code below:

☐ Black ☒ Brown ☐ Green ☐ Gray ☐ Pink ☐ Hazel ☐ Blue ☐ Maroon

HAIR COLOR: Check the most appropriate code below:

☐ Black ☐ Bald ☐ White ☐ Sandy ☐ Red ☒ Gray ☐ Blonde ☐ Brown

COUNTRY OF CITIZENSHIP: SERBIA & MONTENEGRO (Y6)

SOCIAL SECURITY NUMBER: 129 -- 48 -- 4925

ALIEN REGISTRATION NUMBER: A 047 056 226

LIST ANY OTHER NAMES YOU HAVE USED:

Last

First

Middle

Suffix

RESIDENCE ADDRESS

10 RIVER RD 193 NEW YORK N.Y 10044

Street number and name

Apartment #

City

State

Zip Code

REASON FOR FINGERPRINT APPLICATION: (I-485, I-589, I-600, I-821, N-400): N-400

FD-258 Completed at ASC		LOCAL AIW STAMP
On: <u>9/15/07</u>	By: <u>[Signature]</u>	
QC Check Completed By: <u>[Signature]</u>		

EXHIBIT

4

# ASC/COLO Standard Operating Procedures

## DBI TENPRINTER Applicant Information Worksheet (AIW)

When you have completed this worksheet, turn it into the receptionist. Have this worksheet, your appointment notification letter and picture identification available.

NAME: STJEPANOVIC VERA    
Last First Middle Suffix

DATE OF BIRTH: 1969 06 10 PHONE #: 917 400 1261  
Year Month Day

PLACE OF BIRTH: ZADAR SEX: (Male or Female) FEMALE

RACE: Check the most appropriate code below:

☐ American Indian or Alaskan Native ☐ Black ☒ White (Hispanic also check)  
☐ Asian or Pacific Island ☐ Unknown

HEIGHT: 5 Feet 9 Inches

WEIGHT: 130 Pounds

EYE COLOR: Check the most appropriate code below:

☐ Black ☐ Brown ☐ Green ☐ Gray ☐ Pink ☐ Hazel ☒ Blue ☐ Maroon

HAIR COLOR: Check the most appropriate code below:

☐ Black ☐ Bald ☐ White ☐ Sandy ☐ Red ☐ Gray ☒ Blonde ☐ Brown

COUNTRY OF CITIZENSHIP: SERBIA & MONTENEGRO

SOCIAL SECURITY NUMBER: 110 -- 88 -- 9383

ALIEN REGISTRATION NUMBER: A 047056227

LIST ANY OTHER NAMES YOU HAVE USED:

RNJAK VERA    
Last First Middle Suffix

### RESIDENCE ADDRESS

10 RIVER ROAD 197 NEW YORK N.Y. 10044  
Street number and name Apartment # City State Zip Code

REASON FOR FINGERPRINT APPLICATION: (I-485, I-589, I-600, I-821, N-400): N-400

FD-258 Completed at ASC		LOCAL AIW STAMP	
On: <u>9/17/84</u>	By: <u>[Signature]</u>		
QC Check Completed By: <u>[Signature]</u>			

Department of Homeland Security  
U.S. Citizenship and Immigration Services

# N-652, Naturalization Interview Results

A#: 047 647 210

On 5/17/05, you were interviewed by USCIS officer I Manorath

- ☒ You passed the tests of English and U.S. history and government.
- ☐ You passed the tests of U.S. history and government and the English language requirement was waived.
- ☐ USCIS has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate English language ability and/or a knowledge of U.S. history and government.
- ☐ You will be given another opportunity to be tested on your ability to \_\_\_\_\_ speak/ \_\_\_\_\_ read/ \_\_\_\_\_ write \_\_\_\_\_ English.
- ☐ You will be given another opportunity to be tested on your knowledge of U.S. history and government.
- ☐ Please follow the instructions on Form N-14.
- ☐ USCIS will send you a written decision about your application.
- ☐ You did not pass the second and final test of your \_\_\_\_\_ English ability/ \_\_\_\_\_ knowledge of U.S. history and government. You will not be rescheduled for another interview for this Form N-400. USCIS will send you a written decision about your application.
- A) \_\_\_\_\_ Congratulations! Your application has been recommended for approval. At this time it appears that you have established your eligibility for naturalization. If final approval is granted, you will be notified when and where to report for the Oath Ceremony.
- B) \_\_\_\_\_ A decision cannot yet be made about your application.
- It is very important that you:
- ☒ Notify USCIS if you change your address
- ☒ Come to any scheduled interview.
- ☒ Submit all requested documents.
- ☒ Send any questions about this application in writing to the officer named above. Include your full name, Alien Registration Number (A#,) and a copy of this paper.
- ☒ Go to any Oath Ceremony that you are scheduled to attend.
- ☒ Notify USCIS as soon as possible in writing if you cannot come to any scheduled interview or Oath Ceremony. Include a copy of this paper and a copy of the scheduling notice.

NOTE: Please be advised that under section 336 of the Immigration and Nationality Act, you have the right to request a hearing before an immigration officer if your application is denied, or before the U.S. district court if USCIS had not made a determination on your application within 120 days of the date of your examination.

EXHIBIT

5

Department of Homeland Security  
U.S. Citizenship and Immigration Services

# **N-652, Naturalization Interview Results**

A#: 0 67 656 551

On 5/17/05, you were interviewed by USCIS officer I Manorath

- ☒ You passed the tests of English and U.S. history and government.
- ☐ You passed the tests of U.S. history and government and the English language requirement was waived.
- ☐ USCIS has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate English language ability and/or a knowledge of U.S. history and government.
- ☐ You will be given another opportunity to be tested on your ability to \_\_\_\_\_ speak/\_\_\_\_\_ read/\_\_\_\_\_ write \_\_\_\_\_ English.
- ☐ You will be given another opportunity to be tested on your knowledge of U.S. history and government.
- ☐ Please follow the instructions on Form N-14.
- ☐ USCIS will send you a written decision about your application.
- ☐ You did not pass the second and final test of your \_\_\_\_\_ English ability/ \_\_\_\_\_ knowledge of U.S. history and government. You will not be rescheduled for another interview for this Form N-400. USCIS will send you a written decision about your application.

A) \_\_\_\_\_ Congratulations! Your application has been recommended for approval. At this time it appears that you have established your eligibility for naturalization. If final approval is granted, you will be notified when and where to report for the Oath Ceremony.

B) \_\_\_\_\_ A decision cannot yet be made about your application.

It is very important that you:

- ☒ Notify USCIS if you change your address
- ☒ Come to any scheduled interview.
- ☒ Submit all requested documents.
- ☒ Send any questions about this application in writing to the officer named above. Include your full name, Alien Registration Number (A#,) and a copy of this paper.
- ☒ Go to any Oath Ceremony that you are scheduled to attend.
- ☒ Notify USCIS as soon as possible in writing if you cannot come to any scheduled interview or Oath Ceremony. Include a copy of this paper and a copy of the scheduling notice.

**NOTE:** Please be advised that under section 336 of the Immigration and Nationality Act, you have the right to request a hearing before an immigration officer if your application is denied, or before the U.S. district court if USCIS had not made a determination on your application within 120 days of the date of your examination.

CIS

NEW YORK, APRIL 13.2006

ATTN: STATUS INQUIRY UNIT  
JACOB JAVITS FEDERAL BUILDING  
26, FEDERAL PLAZA  
NEW YORK, N.Y. 10278

Dear Sirs,

My spouse and myself applied for naturalization on april23, 2004.  
We passed interview on May 17, 2005. So far we didn't receive any information regarding our case.  
It's been 730 days since we applied (April 23, 2004.) and 330 days since we had an interview (May 17, 2005).  
We would appreciate if we could get some written answer or a meeting if possible.

Here are relevant facts for both of us:

ZORAN STJEPANOVIC  
10 RIVER ROAD (APT 19 J)  
NEW YORK, N.Y.10044  
Date of birth: 07/12/1943  
A 047056226  
ESC\*001225559  
SS# 129-48-4925  
Applied April 23, 2004.  
Interviewed May 17, 2005

VERA STJEPANOVIC  
10 RIVER ROAD (APT 19 J)  
NEW YORK, N.Y.10044  
Date of birth: 06/10/1969  
A 047056227  
ESC\*001225557  
SS# 110-88-9383  
Applied April 23, 2004.  
Interviewed May 17, 2005.

We called by phone (800-3755283) 3 times already to get information about status of our case.  
First time on February 02, 2006. Referral No. TIC0330600240NYC for both of us.  
Second time on March 06, 2006. Referral No. TIC0650600410NYC for both of us.  
Third time on April 06, 2006. Referral No. TIC0960600300NYC for Zoran Stjepanovic  
Referral No. TIC0960600341NYC for Vera Stjepanovic  
Referral No. WTC0960600501NYC for both of us.

We are submitting copies of I-797 and N-652 for both of us.

Sincerely yours,  
Zoran Stjepanovic

Vera Stjepanovic

*[Handwritten signatures of Zoran and Vera Stjepanovic]*





U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
26 Federal Plaza, Room 7-700  
New York, NY 10278

Name Zoran Stjepanovic

File No.: 047 056 226

Date: 4/19/2006

Examination of the submitted application N- 400 shows that certain additional information, documents, or forms are needed before your application can be acted upon. To help you in that connection, we have checked in **red** in this letter the items that need your attention. Read those items and comply as soon as possible. RETURN THIS LETTER, with the requested information, documents and forms. We will then complete the processing of your application.

- ☐ Unless you furnish the requested information or document(s) checked, your application for naturalization will be denied for lack of prosecution.
- ☒ Your application is currently pending fingerprint/security check results. You will be notified upon completion of the process.
- ☐ Send money order or check for \$\_\_\_\_\_ made payable to the U.S.C.I.S., Vermont Service Center, 75 Lower Weldon Street, St. Albans, Vermont 05479-0001. **Do not send cash or postage stamps.**
- ☐ Your application has been received. You will receive a notice to appear upon scheduling.
- ☐ Applications are valid for one year. Your application was filed over one year ago and expired on \_\_\_\_\_. If you still wish to become a U.S.Citizen, you must file a new application with the required fee and two photographs.
- ☐ Your application is currently pending a new appointment. You will be sent a notice to appear in the near future.
- ☐ Your application for Naturalization has been granted. You will be sent a notice of your oath ceremony date.
- ☐ This office has no record of your application. Please resubmit a new application with proof of payment, it may be in the form of a canceled check, or the results of a tracer on your money order. It must indicate the date it was cashed by the C.I.S. In addition, please submit two new photographs.
- ☐ Please submit a photocopy of your alien registration card (front and back) A# \_\_\_\_\_.
- ☐ You failed to appear for two scheduled interviews. Your application is therefore denied and closed. If you still wish to become a U.S. Citizen, you must reapply with the required fee and two photographs.
- ☐ You failed to appear for one scheduled interview. Your application is therefore closed. If you still wish to become a U.S.Citizen, you must submit a written request to have your case reopened and rescheduled a new appointment.
- ☐ Your application has been denied. To request a duplicate copy, please submit your G-639 request(s) to: U.S.C.I.S., FOIA Unit, Room 5-500, 26 Federal Plaza, New York, NY 10278. If you still wish to become a U.S.Citizen you must reapply.
- ☐ Your N-565 request for certificate correction has been denied for the following reason(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you,  
U.S. Citizenship and Immigration Services



U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
26 Federal Plaza, Room 7-700  
New York, NY 10278

Name Vera Stjepanovic

File No.: 047 056 227

Date: 4/19/2006

Examination of the submitted application N- 400 shows that certain additional information, documents, or forms are needed before your application can be acted upon. To help you in that connection, we have checked in **red** in this letter the items that need your attention. Read those items and comply as soon as possible. RETURN THIS LETTER, with the requested information, documents and forms. We will then complete the processing of your application.

- Unless you furnish the requested information or document(s) checked, your application for naturalization will be denied for lack of prosecution.
- ☒ Your application is currently pending fingerprint/security check results. You will be notified upon completion of the process.
- Send money order or check for \$----- made payable to the U.S.C.I.S., Vermont Service Center, 75 Lower Weldon Street, St. Albans, Vermont 05479-0001. **Do not send cash or postage stamps.**
- Your application has been received. You will receive a notice to appear upon scheduling.
- Applications are valid for one year. Your application was filed over one year ago and expired on \_\_\_\_\_. If you still wish to become a U.S.Citizen, you must file a new application with the required fee and two photographs.
- Your application is currently pending a new appointment. You will be sent a notice to appear in the near future.
- Your application for Naturalization has been granted. You will be sent a notice of your oath ceremony date.
- This office has no record of your application. Please resubmit a new application with proof of payment, it may be in the form of a canceled check, or the results of a tracer on your money order. It must indicate the date it was cashed by the C.I.S. In addition, please submit two new photographs.
- Please submit a photocopy of your alien registration card (front and back) A# \_\_\_\_\_.
- You failed to appear for two scheduled interviews. Your application is therefore denied and closed. If you still wish to become a U.S. Citizen, you must reapply with the required fee and two photographs.
- You failed to appear for one scheduled interview. Your application is therefore closed. If you still wish to become a U.S.Citizen, you must submit a written request to have your case reopened and rescheduled a new appointment.
- Your application has been denied. To request a duplicate copy, please submit your G-639 request(s) to: U.S.C.I.S., FOIA Unit, Room 5-500, 26 Federal Plaza, New York, NY 10278. If you still wish to become a U.S.Citizen you must reapply.
- Your N-565 request for certificate correction has been denied for the following reason(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Thank you,  
U.S. Citizenship and Immigration Services

U.S. Department of Homeland Security  
Jacob Javits Federal Building  
26 Federal Plaza  
New York, NY 10278



**U.S. Citizenship  
and Immigration  
Services**

Friday, May 5, 2006

ZORAN STJEPANOVIC  
10 RIVER RD. # 19 J  
NYC NY 10044

Dear zoran stjepanovic:

On 04/06/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

**Caller indicated they are:**

**Attorney Name:**

**Case type:**

**Filing date:**

**Receipt #:**

**Beneficiary (if you filed for someone else):**

**Your USCIS Account Number (A-number):**

**Type of service requested:**

The applicant

Information not available

N400

Information not available

ESC\*001225559

stjepanovic, zoran

A47056226

Case Status - Outside Processing Time

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

U.S. CIS - 05

EXHIBIT

5559

tabular

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NOTE:

MY WIFE VISA

GET THIS

U.S. Department of Homeland Security  
Jacob Javits Federal Building  
26 Federal Plaza  
New York, NY 10278



**U.S. Citizenship  
and Immigration  
Services**

Wednesday, September 27, 2006

ZORAN STJEPANOVIC  
10 RIVER RD  
APT 19J  
NEW YORK NY 10044

Dear ZORAN STJEPANOVIC:

On 04/06/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

<b>Caller indicated they are:</b>	The applicant
<b>Attorney Name:</b>	Information not available
<b>Case type:</b>	N400
<b>Filing date:</b>	04/28/2004
<b>Receipt #:</b>	
<b>Beneficiary (if you filed for someone else):</b>	STJEPANOVIC, ZORAN
<b>Your USCIS Account Number (A-number):</b>	A047056226
<b>Type of service requested:</b>	Case Status - Outside Processing Time

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

NOTE:

MY WIFE LARA



THIS

Dear Mrs Clinton,

My spouse and myself applied for naturalization on April 23,2004.

We both had our interview on May 17,2005. and we both passed the tests of English and US history and government, where it was written in form N-452 "USCIS will send you a written decision about your application". As you can see it passed 737 days since we applied for naturalization and 358 days since we had and passed the tests. We would really appreciate if your office can check if somebody is doing something about our case and how long we must wait for the Oath Ceremony because it's been so many days over the estimated frame time.

Here are relevant facts for both of us:

ZORAN STJEPANOVIC, born 07/12/43  
A 047056226  
ESC\*001225559  
SS# 129-48-4925

VERA STJEPANOVIC, born 06/10/69  
A 047056227  
ESC\*001225557  
SS# 110-88-9383

Before this letter to you, we called the INS NCSC three times on Feb 02, 2006, on Mar 06,2006 and Apr 06,2006.

We still beleive that the reason for not getting the answer yet is not the fact that we both are Serbian Nationality.

We hope that we would be able to vote for you soon,

Sincerely yours,

Vera & Zoran Stjepanovic

Note: This text was send by e-mail on May 09, 2006 cca 10pm.

*NO ANSWER*



Dear Senator Schumer:

I request that you or your designated staff member investigate the situation outlined below. I understand that this form is to be used in compliance with the Freedom of Information Act and the Privacy Act of 1974.

Signature X [Signature] Date: MAY 25, 2006

**Information of person who has application pending at the USCIS (Please Print or Type):**

First ZORAN Middle \_\_\_\_\_ Last STJEPANOVIC

Current Address: 10, RIVER RD Apt. 19 J  
City: NEWYORK State: N.Y. Zip Code: 10044

Daytime Telephone: 917-4001260 Evening Telephone: 212-7544255

Date of Birth: JULY 12, 1943 City and Country of Birth: BELGRADE, YUGOSLAVIA

Immigration/Alien Number: A 047056226

Type of Application Filed with the USCIS: N-400 ESC\*001225559

Please write a BRIEF Narrative of the Problem: I APPLIED FOR NATURALIZATION ON APR 23, 2004  
HAD INTERVIEW ON MAY 17, 2005 AND PASSED. I AM STILL WAITING  
FOR OATH CEREMONY 753 DAYS SINCE I APPLIED AND  
374 DAYS SINCE I PASSED THE TESTS OF ENGLISH  
AND US HISTORY AND GOVERNMENT.  
NOTICE OF ACTION AND N-652 ENCLOSED

Where is your case pending? ☒ New York ☐ Vermont ☐ Nebraska ☐ Other \_\_\_\_\_

Is this the first time you are submitting an inquiry to this office? ☒ YES ☐ NO

**Enclose Copies of All Pertinent Documents including documents sent to you by USCIS and send to:  
Senator Charles Schumer, 757 Third Avenue, Suite 1702, New York, NY 10017**

**FOR CONGRESSIONAL USE ONLY:**

Date Received: \_\_\_\_\_ Date sent to USCIS: \_\_\_\_\_ Case # \_\_\_\_\_ Staff Initials: \_\_\_\_\_



Dear Senator Schumer:

I request that you or your designated staff member investigate the situation outlined below. I understand that this form is to be used in compliance with the Freedom of Information Act and the Privacy Act of 1974.

Signature X Stjepanovic Date: 05/25/2006

Information of person who has application pending at the USCIS (Please Print or Type):

First VERA Middle \_\_\_\_\_ Last STJEPANOVIC

Current Address: 10 RIVER ROAD Apt. 19 J

City: NEW YORK State: NY Zip Code: 10044

Daytime Telephone: 917-4001260 Evening Telephone: 212-7544255

Date of Birth: 06/10/1969 City and Country of Birth: ZADAR, YUGOSLAVIA

Immigration/Alien Number: A 047056227

Type of Application Filed with the USCIS: N-400 ESC\* 001225557

Please write a BRIEF Narrative of the Problem: I APPLIED FOR NATURALIZATION  
ON APR 23, 2004 HAD INTERVIEW ON MAY 17, 2005 AND PASSED. I'M  
STILL WAITING FOR OATH CEREMONY 753 DAYS SINCE I APPLIED  
AND 374 DAYS SINCE I PASSED THE TESTS OF ENGLISH AND  
US HISTORY & GOVERNMENT.  
NOTICE OF ACTION AND N-652 ENCLOSED

Where is your case pending? ☒ New York ☐ Vermont ☐ Nebraska ☐ Other \_\_\_\_\_

Is this the first time you are submitting an inquiry to this office? ☒ YES ☐ NO

Enclose Copies of All Pertinent Documents including documents sent to you by USCIS and send to:  
 Senator Charles Schumer, 757 Third Avenue, Suite 1702, New York, NY 10017

FOR CONGRESSIONAL USE ONLY:

Date Received: \_\_\_\_\_ Date sent to USCIS: \_\_\_\_\_ Case # \_\_\_\_\_ Staff Initials: \_\_\_\_\_



**Charles E. Schumer**

*NEW YORK*

Attached is a response to my inquiry on your behalf.

*Charles E. Schumer*

U.S. Senate

# Congressional Unit

**GIVE THIS YOUR IMMEDIATE ATTENTION!**



File No: 47056226  
Date : 8/28/2006  
Ctrl : **06-10584**

**In Re: STJEPANOVIC, FAMILY OF TWO**

Information requested by : **SCHUMER, CHARLES E.**  
**757 THIRD AVENUE SUITE 17-02 NEW YORK, NY 10017**

*sent  
9/6/06*

☐ Attorney ☐ Congressional ☐ Consulate ☐ Other

Inquiry: ☐ Telephone ☐ By Letter ☐ Appeared in person

**To: CON**


Information requested: **FOR REVIEW AND RESPONSE. DUE BY 9/27/2006**

**MEMBERS: ZORAN & VERA (A47 056 227). STATUS OF N-400.**

Information furnished:

**PLEASE BE ADVISED THAT ACCORDING TO USCIS RECORDS, APPLICANTS' CASES ARE CURRENTLY PENDING SECURITY AGENCY CHECKS. ONCE A RESPONSE IS RECEIVED, THE CASES WILL BE ADJUDICATED ACCORDINGLY.**

  
(Signature of Officer or Employee)

Approved by   
(Signature of Supervisor)

Location: \_\_\_\_\_

09/01/2006 2:46PM (GMT-04:00)

